

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**COMMONWEALTH OF PUERTO RICO,
et al.,**

Defendants.

CIVIL NO. 12-2039 (GAG)

**JOINT MOTION SUBMITTING FINAL SET OF
CONSENSUS MONITORING METHODOLOGIES**

TO THE HONORABLE COURT:

Plaintiff, the United States of America, and Defendants, the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau (collectively, “the Parties”), with the concurrence of the Acting Monitor, John Romero, respectfully submit the remaining four Consensus Monitoring Methodologies (“Consensus Methodologies”), pursuant to Paragraphs 245 and 248 of the Agreement for the Sustainable Reform of the Puerto Rico Police Department¹ (Agreement). For the reasons explained below, the Parties respectfully request that the Court approve the Consensus Methodologies.

1. The Agreement required that the Technical Compliance Advisor (TCA, or Monitor) begin assessing the Commonwealth’s compliance with the Agreement following an initial, capacity-building period. Specifically, Paragraph 242 of the Agreement provides:

Four years after the Appointment Date and in accordance with the provisions of the approved Action Plans, the TCA shall begin to regularly conduct compliance reviews to assess PRPD’s compliance with each of the Agreement

¹ All references to the Puerto Rico Police Department (or PRPD) are to the Puerto Rico Police Bureau (PRPB) of the Puerto Rico Department of Public Safety.

provisions in Sections III through XIII. The TCA shall assess and report whether PRPD has, for each Agreement requirement: (a) incorporated the requirement into an implemented policy; (b) trained all relevant personnel in the requirement and policy; and (c) fully implemented in practice. These compliance reviews shall contain both quantitative elements as necessary for reliability and comprehensiveness.

Agreement ¶ 242, Docket No. 60.² The Agreement further required the Monitor to submit a proposed methodology to the Parties for review prior to the initiation of any compliance assessment. *Id.* ¶ 248.

2. The Consensus Methodologies cover the areas of Equal Protection and Non-Discrimination; Civilian Complaints, Internal Investigations, and Discipline; Community Engagement and Public Information; and Information Systems and Technology. With the submission of these final four Consensus Methodologies, the Acting Monitor and his team of subject-matter experts are in a position to evaluate each of the eleven substantive areas of the Agreement in an independent, objective, and systematic manner.

3. The Consensus Methodologies are the product of close collaboration and represent a significant step forward as the Parties and the Acting Monitor shift their focus from capacity building to compliance monitoring. As the Parties reported recently, the Acting Monitor has begun to assess the PRPB's compliance with the use of force provisions of the Agreement, pursuant to the Consensus Methodology on Use of Force approved by this Court. *See Min. of Proceedings at 1, Docket No. 1360 (Oct. 23, 2019).* The Parties expect that the Acting Monitor will produce his first compliance assessment report in December 2019 focusing on firearm discharges by officers and the development of comprehensive policies and procedures

² The Commonwealth may achieve full and effective compliance with the Agreement by implementing the requirements of the Agreement, as set forth in Paragraph 242, or by demonstrating sustained and continuing improvement in constitutional policing based on outcome measures. *See Agreement ¶ 294.*

in all areas of the Agreement. Thereafter, the Acting Monitor will continue compliance monitoring on a semi-annual basis, as required by the Agreement, and pursuant to the Consensus Methodologies.

4. Following the resignation of the former Monitor on May 14, 2019, and with the assistance of the Acting Monitor and former Special Master, the Parties completed seven Consensus Methodologies, which the Court approved on a rolling basis. *See Order, Docket No. 1256 (June 13, 2019) (Use of Force); Order, Docket No. 1274 (July 2, 2019) (Policies and Training); Order, Docket No. 1328 (Sept. 3, 2019) (Professionalization, Searches and Seizures, Recruitment, and Supervision).*

5. In compliance with the updated timetable approved by the Court on August 9, 2019, Docket No. 1318, the Parties hereby submit the final set of Consensus Methodologies on: (a) Equal Protection and Non-Discrimination; (b) Civilian Complaints, Internal Investigations, and Discipline; (c) Community Engagement and Public Information; and (d) Information Systems and Technology, attached hereto as Appendices A, B, C, and D. As mentioned above, the Consensus Methodologies are the product of extensive cooperation and input from the Parties, the former Special Master, and the Acting Monitor and his team of subject-matter experts. The Parties and the Acting Monitor will review each of the Consensus Methodologies on an ongoing basis, as needed, to consider whether modifications are necessary as additional data management systems are implemented and additional data sources become available, and based on the Acting Monitor's and the Parties' experience implementing the Consensus Methodologies.

WHEREFORE, the Parties respectfully request that the Court approve the Consensus Methodologies on Equal Protection and Non-Discrimination; Civilian Complaints, Internal

Investigations, and Discipline; Community Engagement and Public Information; and Information Systems and Technology, to enable the Acting Monitor and his team of subject-matter experts to commence compliance monitoring of the corresponding provisions, as required by Paragraph 242 of the Agreement.

WE HEREBY CERTIFY that today we have electronically filed the foregoing documents with the Clerk of the Court for the District of Puerto Rico using the CM/ECF system, which will send a copy and notification of filing to the Acting Monitor and all counsel of record.

RESPECTFULLY SUBMITTED this 30th day of October, 2019,

For Plaintiff UNITED STATES OF AMERICA:

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